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Docket No.: 197748US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
Michinobu NAKAMURA, et al. : EXAMINER: AFREMOVA  
SERIAL NO.: 09/674,280 : GROUP ART UNIT: 1651  
FILED: DECEMBER 21, 2000 : ALLOWED: AUGUST 30, 2004  
FOR: PROCESS FOR PRODUCING PROTEIN HYDROLYZATE

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that the references listed on the International Search Report filed on October 30, 2000, have been considered. Petitioners respectfully request that the Examiner acknowledge consideration of same by providing Applicants with an initialed copy of Form PTO-1449 enclosed herewith listing these references. Petitioners submit herewith a copy of the International Search Report as filed on October 30, 2000, along a copy of the date-stamped filing receipt evidencing the timely filing thereof, and copies of the English Abstracts for the references for which consideration is requested.

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Vincent K. Shier, Ph.D.  
Registration No.: 50,552

Customer Number

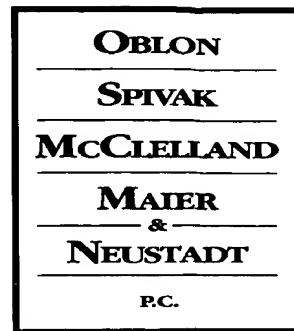
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Docket No.: 197748US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/674,280  
Applicants: Michinobu NAKAMURA, et al.  
Filing Date: December 21, 2000  
For: PROCESS FOR PRODUCING PROTEIN  
HYDROLYZATE  
Group Art Unit: 1651  
Examiner: Afremova  
Allowed: August 30, 2004

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 C.F.R. §1.181(a)(3)  
Form PTO 1449**

**Cited References (2)**

**Copy of Date-stamped Filing Receipt dated October 30, 2000**

**Copy of International Search Report filed October 30, 2000**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

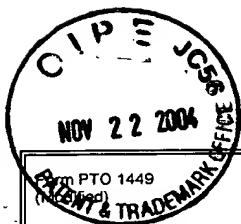
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PTO 1449 (Rev. 10-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 197748US0PCT		SERIAL NO. 09/674,280	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Michinobu NAKAMURA, et al.			
				FILING DATE December 21, 2000		GROUP 1651	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	JP 6-245790	09/06/94	Japan - English Abstract Only			
	AP	JP 52-079084	07/02/77	Japan - English Abstract Only			
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

**PATENT ABSTRACTS OF JAPAN**

(11)Publication number : 06-245790

(43)Date of publication of application : 06.09.1994

(51)Int.Cl.

C12P 21/06

(21)Application number : 05-061298

(71)Applicant : NISSHIN FLOUR MILLING CO LTD

(22)Date of filing : 26.02.1993

(72)Inventor : MOTOI HIROBUMI

**(54) OLIGOPEPTIDE MIXTURE AND ITS PRODUCTION****(57)Abstract:**

**PURPOSE:** To obtain an oligopeptide mixture rich in both highly digestible peptides and glutamine by hydrolyzing wheat protein under specified conditions with an alkali protease produced by *Bacillus* bacteria.

**CONSTITUTION:** The oligopeptide mixture can be obtained by hydrolyzing wheat protein with an alkali protease at pH8.0-11.0 (pref. 9.0-10.0) at 40-70 (pref. 50-60)°C for 5-30 (pref. 10-20) hr. This mixture has the following characteristics: (1) weight-average molecular weight: 200-1000; (2) total content of dipeptide plus tripeptide: ≥50wt.%; (3) free amino acid content: ≤10wt.%; and (4) glutamine content: ≥30wt.%.

**LEGAL STATUS**

[Date of request for examination] 28.06.1999

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number] 3202093

[Date of registration] 22.06.2001

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

Copyright (C); 1998,2003 Japan Patent Office

# PATENT ABSTRACTS OF JAPAN

(11)Publication number : 52-079084

(43)Date of publication of application : 02.07.1977

(51)Int.Cl.

C12D 13/06

C12D 13/08

C12B 1/00

(21)Application number : 50-154368

(71)Applicant : MITSUI ENG & SHIPBUILD CO LTD

(22)Date of filing : 24.12.1975

(72)Inventor : NOJIRI MICHIIHIKO

SUMIYA KAZUO

JODEN SHIGezo

KAMINAKAI KAZUO

MATSUMOTO MASABUMI

(54) PREPARATION OF MICROBIAL PROTEIN AND FAT AND OIL FROM VEGETABLE CARBOHYDRATE

(57)Abstract:

PURPOSE: A method to obtain the fungus of high protein, and fat and oil content in high yield by liquifying starch with enzyme in a separated process and subsequently saccharifying and cultivating the liquid with enzyme simultaneously in one fermentation tank.

## LEGAL STATUS

[Date of request for examination]

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number]

[Date of registration]

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

Copyright (C); 1998,2003 Japan Patent Office



## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/JP99/02171

COPY

## A. CLASSIFICATION OF SUBJECT MATTER

Int.C1<sup>6</sup> C12P21/06 // (C12P21/06, C12R1:645)

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.C1<sup>6</sup> C12P21/06

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
WPI (DIALOG), BIOSIS (DIALOG)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP, 6-245790, A (Nisshin Flour Milling Co., Ltd.), 6 September, 1994 (06. 09. 94) (Family: none)	1-6
A	JP, 52-79084, A (Mitsui Engineering & Shipbuilding Co., Ltd.), 2 July, 1977 (02. 07. 77) & US, 4230806, A & DE, 2728353, A	1-6

☐ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

\* Special categories of cited documents:  
"A" document defining the general state of the art which is not considered to be of particular relevance  
"E" earlier document but published on or after the international filing date  
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  
"O" document referring to an oral disclosure, use, exhibition or other means  
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art  
"&" document member of the same patent family

Date of the actual completion of the international search  
22 July, 1999 (22. 07. 99)Date of mailing of the international search report  
10 August, 1999 (10. 08. 99)Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.